

SEC 223(b), Immigration and Naturalization Act of 1952

8 USC 1203(b)

Amend S. 3168 and H. R. 9181, Sec. 22

PRESENT TEXT: "If the Attorney General finds (1) that the applicant under subsection (a) (1) of this section has been lawfully admitted to the United States for permanent residence, or that the applicant under subsection (a) (2) of this section has since admission maintained the status required of him at the time of his admission and such applicant desires to visit abroad and to return to the United States to resume the status existing at the time of his departure for such visit, (2) that the application is made in good faith, and (3) that the alien's proposed departure from the United States would not be contrary to the interests of the United States, the Attorney General may, in his discretion, issue the permit, which shall be valid for not more than one year from the date of issuance: PROVIDED, That the Attorney General may in his discretion extend the validity of the permit for a period or periods not exceeding one year in the aggregate. The permit shall be in such form as shall be by regulations prescribed for the complete identification of the alien."

S. 3168/H. R. 9181

PROPOSED TEXT: "Provided further, That the Attorney General may in his discretion extend the validity of the permit of a spouse or child of a member of the Armed Force of the United States stationed abroad pursuant to official orders for such period or periods as the Attorney General shall deem appropriate. The permit shall be in such form as shall be by regulations prescribed for the complete identification of the alien."

OUR PROPOSED TEXT: "Provided further, That the Attorney General may in his discretion extend the validity of the permit of a spouse or child of a member of the Armed Force of the United States stationed abroad pursuant to official orders or a person employed abroad by the United States Government, or a spouse or child of such person, for such

period or periods as the Attorney General shall deem appropriate. The permit shall be in such form as shall be by regulations prescribed for the complete identification of the alien."

8 USCA 1101 (a)

(27) The term "nonquota immigrant" means--

(A) "an immigrant who is the child or the spouse of a citizen of the United States;"

(B) "an immigrant, lawfully admitted for permanent residence, who is returning from a temporary visit abroad;"

(C) "an immigrant who was born in Canada, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, and the spouse or the child of any such immigrant, if accompanying or following to join him;"

(D) an immigrant who was a citizen of the United States and lost citizenship solely through marriage to an alien ineligible for citizenship, or by service in the armed forces of an ally during World War II;

(E) an immigrant who was a citizen of the United States and lost citizenship prior to 1 January 1948 through the foreign naturalization of his parents; this section is now not effective since the right to apply for naturalization expired one year after the passage of the McCarran Act (i.e., 27 June 1953);

(F) a minister of a religious denomination and his accompanying or following spouse or child;

(G) "an immigrant who is an employee, or an honorably retired former employee, of the United States Government abroad, and who has performed faithful service for a total of fifteen years, or more, and his accompanying spouse and children: Provided, That the principal officer of a Foreign Service establishment, in his discretion, shall have recommended the granting of nonquota status of such alien in exceptional circumstances and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status."

8 USC 1153, as amendment is proposed by S. 3168 (Sec. 15) and H. R. 9181

The proposed amendment would divide the quota into several levels of preference, unused portions of the higher preference quota to revert to the next lower class:

(1) 50 per cent "(A) to qualified quota immigrants whose services are determined by the Attorney General to be needed urgently in the United States because of the high education, technical training, specialized experience, or exceptional ability of such immigrants and to be substantially beneficial prospectively to the national economy, cultural interests, or welfare of the United States, and (B) to qualified quota immigrants who are the spouse or children of any immigrant described in clause (A) if accompanying or following to join him.

(2) 20 per cent, "to qualified quota immigrants who are the parents of citizens of the United States, such citizens being at least twenty-one years of age.

(3) 20 per cent, "to qualified quota immigrants who are the spouses or the children of aliens lawfully admitted for permanent residence.

(4) The remaining 10 per cent "to qualified quota immigrants who are (A) the brothers, sisters, sons, or daughters of citizens of the United States (such citizens being at least twenty-one years of age), and (B) the spouse and child of any immigrant described in clause (A) if accompanying or following to join him.

(5) Any portion of the quota not required by the above classes "to other qualified quota immigrants chargeable to such quota.

SEC 316(c), Immigration and Naturalization Act of 1952

8 USC 1427(c)

No Change Proposed in Administration Bills

Add to S. 3168 and H. R. 9181 as Sec. 24

PRESENT TEXT: "The granting of the benefits of subsection (b) of this section shall not relieve the petitioner from the requirement of physical presence within the United States for the period specified in subsection (a) of this section, except in the case of those persons who are employed by, or under contract with, the Government of the United States. In the case of a person employed by or under contract with Central Intelligence Agency the requirement in subsection (b) of this section of an uninterrupted period of at least one year of physical presence in the United States may be complied with by such person at any time prior to filing a petition for naturalization."

PROPOSED TEXT: "The granting of the benefits of subsection (b) of this section shall not relieve the petitioner from the requirement of physical presence within the United States for the period specified in subsection (a) of this section, except in the case of those persons who are employed by, or under contract with, the Government of the United States, or their spouses or children. The requirement in subsection (b) of this section of an uninterrupted period of at least one year of physical presence in the United States may be complied with by such persons or their spouses or children at any time prior to filing a petition for naturalization." ✓